

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED
ASHEVILLE, N. C.

JAN - 4 2006

CIVIL NO. 1:05CV339

U.S. DISTRICT COURT
W. DIST. OF N. C.

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$165,163.00 IN UNITED STATES
CURRENCY,

Defendant.

CONSENT ORDER FOR STAY

This matter is before the Court on a request by the United States and Henderson Amusement, Inc. that this civil forfeiture case be stayed pursuant to 18 U.S.C. § 981(g)(1) & (2), pending resolution of a related criminal investigation.

THE COURT FINDS:

1. In response to a notice of seizure and administrative forfeiture, Henderson Amusement, Inc., through counsel, submitted a Claim of Ownership, Contest to Forfeiture and Motion for Return of Property Seized dated August 16, 2005, to the Federal Bureau of Investigation. The administrative claim asserts an interest in the defendant \$165,163.00, which was seized by the Federal Bureau of Investigation on or about May 17, 2005.
2. On or about August 19, 2005, the Federal Bureau of Investigation accepted the claim and referred the matter to the United States Attorney's Office for consideration.
3. Pursuant to 18 U.S.C. §§ 981 and 983, the United States filed a complaint for forfeiture *in rem* against the defendant property on November 17, 2005.

4. On November 30, 2005, the Court issued a warrant for arrest *in rem* of the defendant property.

5. Henderson Amusement, Inc. has asserted a property interest in the defendant property and intends to file a claim and answer to the complaint.

6. The government has informed counsel to Henderson Amusement, Inc. that a related criminal investigation is pending.

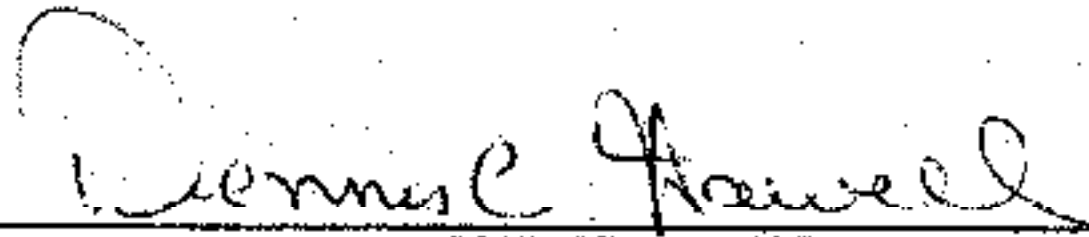
7. The government and Henderson Amusement, Inc. agree that a stay of this case at this point will avoid both interference with the government's investigation and prejudice to the Fifth Amendment rights of any individual claimants of Henderson Amusement, Inc.

8. The government and Henderson Amusement, Inc. have agreed that a stay at this point should be without prejudice to Henderson Amusement, Inc.'s right to file a claim, answer, and/or any other pleading or responsive motion within the time permitted by the Rules of Civil Procedure, with the applicable time period to begin running from the date the stay is lifted.

9. This Order shall not affect the Warrant for Arrest *in rem* previously issued in this case.

IT IS THEREFORE ORDERED that this case is stayed until further order of the Court.

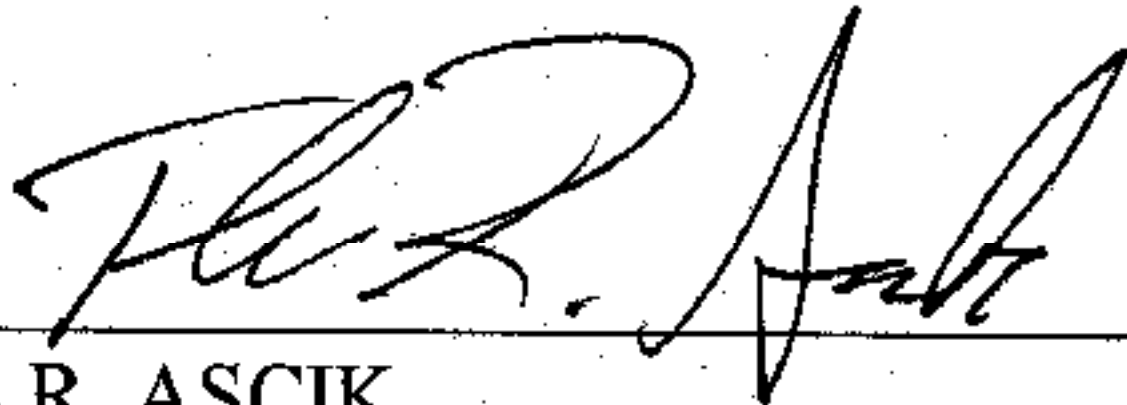
Signed this the 4th day of January, 2006



DENNIS L. HOWELL
UNITED STATES MAGISTRATE JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

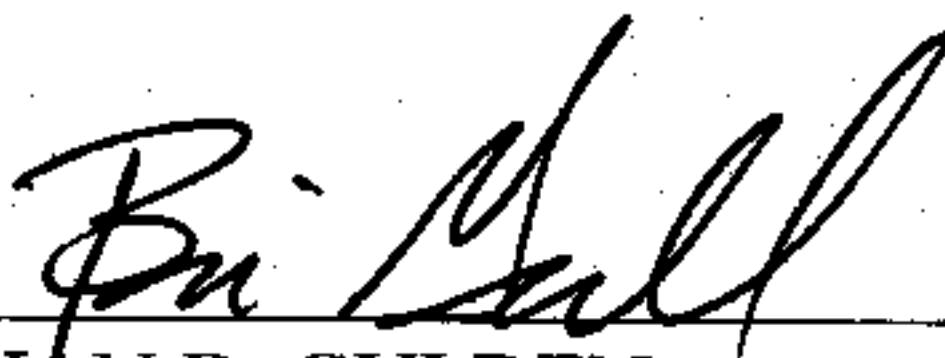
UNITED STATES OF AMERICA



THOMAS R. ASCIK
ASSISTANT UNITED STATES ATTORNEY

1/04/05
DATE

HENDERSON AMUSEMENT, INC.



BRIAN D. GULDEN
ATTORNEY
POST OFFICE BOX 458
SHELBY, NC 28151-0458

12/28/2005
DATE